

DPW

520.34851CC4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Y. OHGOSHI, et al  
Serial No.: 10/786,092  
Filed: February 26, 2003  
For: CODE DIVISION MULTIPLE ACCESS MOBILE  
COMMUNICATION SYSTEM  
Group: 2611  
Examiner: K. Tran

**RESPONSE**

**MS Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 19, 2007

Sir:

The present application has pending claims 1-9.

Claims 1-9 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 5, 6 and 10 of prior patent No. 6,721,296 and claims 1, 6 and 8 of U.S. Patent No. 6,456,609. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application, filed on even date herewith is a Terminal Disclaimer obviating this rejection. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 1-9 are taught or suggested by the claims of the

prior patents. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Applicants acknowledge the Examiner's indication in paragraph 3 of the Office Action that claims 10-12 are allowed.

In view of the foregoing amendments and remarks, applicants submit that claims 1-9 are in condition for allowance. Accordingly, early allowance of claims 1-9 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.34851CC4).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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